

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NEW YORK

In re:

PERSONAL COMMUNICATIONS DEVICES,
LLC, et al.,

Debtors.

PERSONAL COMMUNICATIONS
DEVICES, LLC,

Plaintiff,

v.

PHILIP CHRISTOPHER and KOSTAS
KASTAMONITIS,

Defendants,

v.

JONATHAN STEARNS, PINEBRIDGE
DIRECT INVESTMENTS LLC, PINEBRIDGE
GLOBAL INVESTMENTS, and PINEBRIDGE
INVESTMENTS LLC,

Third-Party Defendants.

Chapter 11
(Jointly Administered)

Case No. 13-74303 (AST)

Adv. Pro. No. 13-08173 (AST)

**AMENDED STIPULATION AND AGREED ORDER
SCHEDULING HEARING AND ESTABLISHING BRIEFING
SCHEDULE REGARDING MOTION FOR REMAND PURSUANT TO
28 U.S.C. § 1452(b) AND RULES 9027(d) AND 9014 OF THE FEDERAL
RULES OF BANKRUPTCY PROCEDURE, AND RELATED RELIEF**

This agreed amended order (the “**Amended Scheduling Order**”) regarding the scheduling of a hearing and establishment of a briefing schedule regarding the *Motion for Remand Pursuant to 28 U.S.C. § 1452(b) and Rules 9027(d) and 9014 of the Federal Rules of Bankruptcy Procedure*, and related relief, is made as of the date below, by and between defendant, counterclaimant and third-party plaintiff Philip Christopher (“**Christopher**”), plaintiff Personal Communications Devices, LLC (“**PCD**”), defendant Kostas Kastamonitis (“**Kastamonitis**”), third party defendant Jonathan Stearns (“**Stearns**”), third party defendants

PineBridge Direct Investments LLC, PineBridge Global Investments LLC and PineBridge Investments LLC (collectively, “**PineBridge**”) and the Official Committee of Unsecured Creditors (the “**Committee**”) (Christopher, PCD, Kastamonitis, Stearns, PineBridge and the Committee are collectively referred to herein as the “**Parties**”).

RECITALS

WHEREAS on September 27, 2012, PCD commenced an action against Christopher and Kastamonitis in the Supreme Court of the State of New York, County of Suffolk, [Index No. 30060/12] (the “**State Court Action**”);

WHEREAS, PCD’s initial complaint was amended on two separate occasions, most recently by the filing of PCD’s *Second Amended Complaint* on April 10, 2013;

WHEREAS, on June 21, 2013, Christopher filed his *Amended Answer, Affirmative Defenses and Counterclaims* in the State Court Action;

WHEREAS, before PCD or PineBridge filed their respective answers to Christopher’s counterclaims, on August 19, 2013, PCD and its holding company, Personal Communications Devices Holdings, LLC (collectively, the “**Debtors**”) commenced their chapter 11 bankruptcy cases in this Court;

WHEREAS, on September 18, 2013, PineBridge filed a *Notice of Removal*, removing the State Court Action to the United States District Court for the Eastern District of New York (the “**District Court**”) on the ground that it is “related to” the Debtors’ chapter 11 cases;

WHEREAS, this matter was then referred to this Court from the District Court, by way of an order entered by the District Court on October 23, 2013;

WHEREAS on October 28, 2013, Christopher filed the *Motion of Defendant, Counterclaimant and Third-Party Plaintiff Philip Christopher for Remand Pursuant to 28 U.S.C.*

§ 1452(b) and Rules 9027(d) and 9014 of the Federal Rules of Bankruptcy Procedure (the “**Remand Motion**”) [Dkt. No. 2];

WHEREAS a hearing on the Remand Motion was initially scheduled for December 9, 2013 at 10:00 a.m.;

WHEREAS the Parties sought and obtained an adjournment of the hearing on the Remand Motion, and entered into a joint consensual scheduling order which provided an adjourned hearing date for the Remand Motion and established a briefing schedule regarding all objections to the Remand Motion, if any, Christopher’s response thereto, as well as a deadline for all third party defendants to file their respective answers, in the event the Remand Motion is denied (the “**Initial Scheduling Order**”);

WHEREAS at the request of the Committee, the Parties sought and obtained a further adjournment of the hearing on the Remand Motion, and have agreed to amend the Initial Scheduling Order in connection with the adjourned hearing date.

NOW THEREFORE, the Parties hereby stipulate and agree as follows:

1. The deadline for PineBridge, PCD, Kastamonitis, Stearns and/or the Committee to file opposition and/or other responsive pleadings, if any, with respect to the Remand Motion (the “**Responses**”) shall be filed and served no later than **February 11, 2014**.

2. Christopher’s reply, if any, to the Responses (the “**Christopher Reply**”), if any, shall be filed and served no later than **February 25, 2014**.

3. The hearing to consider the Remand Motion, Responses and the Christopher Reply shall be held on **March 4, 2014 at 11:00 a.m.**, or as soon thereafter as counsel may be heard, at the United States Bankruptcy Court for the Eastern District of New York, Courtroom 2554, 271 Cadman Plaza East, Brooklyn, New York 11201.

4. The time for PCD, Stearns and PineBridge to answer, move against, or otherwise respond to Christopher's *Amended Answer, Affirmative Defenses and Counterclaims* is extended through and until the later of (i) **April 4, 2014**, or (ii) **twenty (20) days from the date of entry of an order adjudicating the Remand Motion.**

Agreed to and accepted:

Dated: New York, New York
January 9, 2014

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Dated: New York, New York.
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January 9, 2014

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*Attorneys for the
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Dated: Uniondale, New York.
January 10, 2014

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Dated: New York, New York.
January 15, 2014

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Dated: January 23, 2014
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Alan S. Trust
United States Bankruptcy Judge